

**IN THE MATTER OF THE PETITION TO BE ADMITTED A CITIZEN OF
THE PHILIPPINES BENJAMIN NG, PETITIONER AND APPELLEE, VS.
REPUBLIC OF THE PHILIPPINES, OPPOSITOR AND APPELLANT.**

G.R. NO. L-33027. April 26, 1974

Ponente: FERNANDO, J.

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FERNANDO, J.:

From a lower court decision granting a petition for naturalization of Benjamin Ng, the Republic of the Philippines appealed. It reiterates its stand at the trial that petitioner failed to conduct himself in a proper and irreproachable manner in his relations with the government; had not mingled socially with Filipinos nor had evinced a sincere desire to learn and embrace their customs, traditions and ideals; and did not have as character witnesses persons who had known him during the period of his entire residence in the country. Any one of the grounds, if proven, would be a bar to naturalization. The imputation of failure to conduct himself in a proper and irreproachable manner was sought to be justified by the Republic thus: "The petitioner admits the late registration of his daughter, Jennifer Ng, with the Bureau of Immigration in accordance with the pertinent rules and regulations governing the registration of aliens in accordance with the Alien Registration Act of 1950. However, he claims that the same was 'a minor lapse in his duty at a time when the birth of his daughter must have understandably consumed all his attention that he unintentionally omitted to report said birth on time.' He also admits the fact that he failed to file the statement under oath, as required by Republic Act No. 2070, otherwise known as An Act to Provide for National Tax Census which was so approved on June 13, 1958. This failure he explains as 'occasioned by an honest belief that one who had no asset nor income to speak of would not have prejudiced the government just the same by mere non-filing.' * * * We are made to understand from the reasons advanced to justify the aforesaid omissions of the petitioner that compliance with our laws and regulations regarding aliens may be disregarded for a while, in the case of said late registration, or totally disregarded in the latter case, when in his opinion or interpretation non-compliance therewith would probably not prejudice the government. This is a very dangerous posture for an alien who desires to become a Filipino citizen, where the interests of the State are subordinated to his personal whims or feelings. It has been held that the late registration of a newly born child by an alien father applying for Filipino citizenship, in accordance with the Alien Registration Act of 1950, is a violation that constitutes improper and irreproachable conduct in his relation with the government, which renders him disqualified to be a naturalized citizen (*Lai vs. Republic*, G. R. No. L-22619, March 28, 1969). If such late registration is considered fatal to an alien's petition, what more, a total omission of what is required by law to be filed as in the case of petitioner's failure to file the statement required in the Tax Census Law, and which failure was even considered a criminal liability (Sec. 5, R. A. No. 2070). It may not be amiss to state that the pertinent provision of said law provides that '[i]n case the offender is an alien, said offender, upon conviction, shall he deported immediately without the necessity of further proceedings in the Deportation Board.'"[1] In the decision now on appeal, such objections were disposed of thus: "As to the late registration of petitioner's child, Jennifer, who was born on February 21, 1966, and his failure to file his statement of assets, income and liabilities for the year 1957, the Court finds that it was not petitioner's intention to keep secret the birth of his said child for he

actually registered the child on April 13, 1966, with the Bureau of Immigration, and was merely required to pay a nominal fine of P2.00, and that petitioner's failure to file his statement for 1957 is attributable to his belief that in that year he had just become eighteen years of age, without any asset or income to speak of, and that he was not yet under duty to file said statement for the Tax Census Law was not yet in existence as it became effective only upon its approval on June 13, 1958, as shown by the fact that he filed his statement of assets, income and liabilities for 1961 * * * "[2] The lower court was likewise satisfied that petitioner could not be accused of a lack of a sincere desire to learn and embrace the customs, traditions and ideals of Filipinos as he had mingled socially with them, the evidence of record disclosing his attending parties, excursions and fiestas with friends and fellow employees who are Filipino citizens. Neither did it find sufficiently persuasive the allegation that the character witnesses presented did not know petitioner during his entire residence in the country.

In the appeal by the Republic, stress is laid, as in the lower court, on the first ground, the imputation that petitioner had not conducted himself in a proper and irreproachable manner, more specifically in that the registration of his daughter Jennifer was beyond the period of time required by law. As noted at the outset, if such objection prevails, then there is a bar to the success of the application for naturalization. As will be made apparent, the Republic of the Philippines is justified in its insistence that the decision reached is not in accordance with what this Court has consistently held on such a point. We must reverse.

1. In the brief of the Republic, there is a comprehensive discussion of how far the lower court was in error in granting the application for citizenship when admittedly there was a late registration of the daughter, Jennifer, thus resulting in his failure to satisfy the requirement of proper and irreproachable manner in his relation with the government. The principal reliance is on the leading case of *Lai vs. Republic*,^[3] promulgated in 1969, the opinion therein penned by Justice Barredo for a unanimous Court. It made reference to the earlier cases of *Co. vs. Republic*,^[4] a 1960 decision, and *Chung Hong vs. Republic*.^[5] The holding in *Co. vs. Republic*, the Opinion coming from Justice Bautista Angelo, follows: "Our law also requires that petitioner must have conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relation with the constituted government as well as with the community in which he is living. It is contended that petitioner has also failed to comply with this legal requirement for he failed to show that he has complied with his obligation to register his wife and child with the Bureau of Immigration as required by the Alien Registration Act. He has, therefore, failed to conduct himself in a proper and irreproachable manner in his relation with our government."^[6] *Chung Hong vs. Republic*,^[7] decided two years later, reaffirmed *Co vs. Republic*, with this emphatic characterization of such failure by Justice J. B. L. Reyes as ponente: "This questionable conduct of applicant is fatal to his petition."^[8] After discussing those two earlier cases, Justice Barredo, in *Lai vs. Republic*,^[9] dispelled any doubt as to the validity of distinction between failure to register and tardy registration. These are his words: "Petitioner-appellant would try to distinguish his case from the above-cited precedents in the circumstance that while there, this Court dealt with the failure to register in violation of law. Republic Act 562, otherwise known as the Alien Registration Act of 1950; here, there is merely a case of 'late registration of a newly born child,' which, appellant argues, is a minor infraction of an implementing regulation of the Commissioner of Immigration. Overlooked by appellant is the fact that his having registered his daughter tardily on April 26, 1963, or even March 1, 1963, as he contends, involved not only a violation of immigration regulations but of the Alien Registration Act."^[10] Nor did he leave it at that, as is clear from the following excerpt: "That is not all. As he registered his daughter for the first time only on April or March of 1963, the inevitable conclusion is that he did not report for her within the first sixty days of January 1962 and, if in fact, the registration was April again within the same period in 1963. It cannot be validly said then that appellant committed only a minor infraction of a regulation. In truth, he violated the Alien Registration Act in two ways. It is obvious that such violations constitute improper and irreproachable conduct in his relation with the Government which renders him

disqualified to be a naturalized citizen.”[11]

2. That is all that needs be said in connection with the disposition of this case, for again, to quote from the leading *Lai vs. Republic* decision; "With this view take, this case should write finis to any further move of appellant to be a naturalized citizen of the Philippines, his infirmity above-pointed being incurable. Accordingly, We find it unnecessary to make any express finding as regards the other ground interposed by the Solicitor General in his opposition * * *." [12] As in *Lai vs. Republic*, there is no necessity then for discussing the other two grounds of opposition.

WHEREFORE, the lower court decision of November 11, 1970 granting the petition for naturalization is reversed and another entered denying such petition for naturalization of applicant Benjamin Ng. No costs.

Zaldivar, (Chairman), Fernandez, and Aquino, JJ., concur.

Antonio, J., took no part.

Barredo, J., concurs in separate opinion.

[1] Record on Appeal, 20-22.

[2] *Ibid.* 33.

[3] G.R. No. L-22619, March 28, 1969, 27 SCRA 754.

[4] 108 Phil. 265.

[5] G.R. No. L-17391, November 29, 1962, 6 SCRA 678.

[6] 108 Phil. 268-269.

[7] 6 SCRA 678.

[8] *Ibid.*, 680.

[9] 27 SCRA 754.

[10] *Ibid.*, 757.

[11] *Ibid.*, 758.

[12] *Ibid.*

CONCURRING OPINION

BARREDO, J.:

I concur. As in *Lai*, there is here no explanation whatsoever of the failure of the petitioner to register his child on time. In instances where a good excuse is shown, indicative of good faith, the matter can be viewed differently.

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